



UNIVERSITEIT VAN PRETORIA
UNIVERSITY OF PRETORIA
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Centre for Human Rights
Faculty of Law

Call for Abstracts

Privacy and Data Protection Law and Practice in Africa - challenges and prospects

The Centre for Human Rights is inviting experts and practitioners in the area of privacy and data protection to submit abstracts for a conference and book project. Contributions can be in the context of national, regional and international human rights on legal, regulatory, academic and technological developments and other perspectives on privacy and data protection. This project is meant to build upon existing scholarly work on data protection and data privacy in Africa. The book publication will be preceded by a conference that will be held in October 2020. Book chapters will be selected from the conference manuscripts.

Key Dates

- **Deadline for submission of abstracts**
31 July 2020
- **Notification to authors**
15 August 2020.
- **Submission of conference manuscripts**
1 October 2020.
- **Virtual Conference**
9-13 October 2020
- **Deadline for submission of full chapters:**
15 December 2020

Abstracts

350-500 words

Abstracts should set out the research problem; the research question(s); the research methodology; the anticipated findings; and the novelty/scholarly contribution of the research.

Short Bio

150 words

Submissions and enquiries

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Background

The momentum on data protection and privacy is increasing worldwide due to data and privacy breaches that have been witnessed. In Africa, the enhanced interest is ushering in a wave of data protection legislation although most countries still do not have such kind of legislation. However, despite this interest and focus on data protection, there are concerns around the use and protection of personal information and these concerns have been eliciting a lot of responses from various sectors. Africa is lagging far behind other continents in addressing these privacy and data protection concerns. In Europe, the data protection regime has evolved and reformed since the 1970s, culminating into the adoption of the General Data Protection Regulation (GDPR) that came into effect in May 2018. This landmark development has significant changes to the scope of data protection across the globe.

The right to privacy is guaranteed by human rights instruments such as the Universal Declaration for Human Rights (UDHR) and the International Covenant on Civil and Political Rights (ICCPR). In the European Union (EU), it is enshrined in article 8 of the EU Charter of Fundamental Rights.

At the African Union (AU) level, unlike the aforementioned human rights instruments, the African Charter on Human and Peoples' Rights does not have a provision for the right to privacy. The AU adopted a Convention on Cybersecurity and Personal Data Protection in 2014 but has not received the required 15 ratifications for it to come into force. Only Mauritius, Namibia, Guinea, Senegal, Ghana and recently, Rwanda have ratified it. At the sub-regional level, the Southern African Development Community (SADC) has a Model Law on Data Protection (2013), the Economic Community of West African States (ECOWAS) has a Personal Data Protection Act while the East African Community (EAC) adopted the Framework for Cyber Laws in 2008. As a form of response to the challenges posed to the right to privacy in the digital age, the United Nation's Human Rights Council established the mandate of the United Nations Special Rapporteur on the Right to Privacy in 2015.

At the national level in Africa, although most constitutions provide for the right to privacy, only 17 countries have a substantive and comprehensive law on data protection while others have data protection frameworks infused in their different legislations. There is also a significant proportion of countries without data protection frameworks but with inadequate safeguards and sometimes with overly broad exemptions. The aforementioned uneven, inadequate or absent legal protection, institutional framework and infrastructure for personal information in Africa creates vulnerabilities for personal data and increases susceptibility to privacy challenges and data breaches. Many African countries are grappling with enacting specific and appropriate legislation on the regulation of data collection, control and processing of personal data. Implementation of existing frameworks and adopted laws is worrisome. These inadequacies are also in the context unending technology advancements which themselves creates new vulnerabilities for privacy and data protection. Technology advancements, the adoption of data protection frameworks by the AU and EU creates agency for alignment and implementation and national level. It is also an opportunity to interrogate the normative standards that are available on the continent and propose enhancements.

This project is situated in the context of the inadequacies in the data protection and privacy discourse in Africa, particularly in the scholarly and academic fields. In one of his articles, Makulilo, one of the leading scholars of data protection in Africa, surveyed the major literature on privacy and data protection in Africa and concluded that currently, this literature is underdeveloped, with many publications focusing on a specific jurisdiction and limited comparative literature except comparisons between an African jurisdiction and European or American jurisdictions.¹

¹A B Makulilo 'Privacy and data protection in Africa: a state of the art' (2012) *International Data Privacy Law* 163.

Despite Africa's enhanced interest in the data protection subject, the literature on this topic in Africa is still deficient, patchy, and growing at a very slow pace.² In terms of augmenting the literature and knowledge on privacy and data protection in Africa, Makulilo proposed that there has to be a deliberate effort focused on this topic with initiatives such as networking, training, researches, platforms for discussions at country/sub-regional and regional levels.³ Thus, in light of the current situation regarding the privacy and data protection in Africa and the gaps in scholarship, the Centre for Human Rights, University of Pretoria intends to develop a scholarly project on privacy and data protection in Africa consisting of a book project and conference/symposium. Privacy and data protection are cross-cutting issues and this project intends to cover a wide spectrum of thematic areas. The project intends to focus on the normative framework, cyber security, civil and political rights, socio-economic rights, artificial intelligence and vulnerable groups in society and other possible thematic areas.

Objectives

- 1) To enhance the data protection and privacy scholarship in Africa through evidence-based analyses of specific data privacy issues across the continent and how they impact on the realisation of human rights;
- 2) To develop an understanding of the legal and policy framework on privacy and data protection within the African context; and
- 3) To establish a platform for debate and discussion on data protection and privacy in Africa.
- 4) To develop a network of privacy and data protection scholars in Africa

Goal

To improve privacy and data protection scholarship in Africa.

Target group

The project will be of interest to academics, students, policymakers and practitioners working in the areas of privacy, data protection, big data, information technology, and human rights law in Africa and others interested in understanding of the state of privacy and data protection, particularly within the African context.

Recommended Topics

1) The normative and regulatory architecture

Possible areas of focus could be analyzing the normative standards at regional and sub-regional level, analyzing privacy and data protection legislation that African countries are adopting; privacy and data protection institutional frameworks, comparing approaches in different jurisdictions and the extent to which these national laws are being implemented. Essentially, the focus will be on milestones and challenges in the development and implementation of privacy and data protection laws in Africa.

2) Rights of data subjects

Contributors are expected to analyse the national laws with regards to the rights of data subjects and responsibilities of data controllers and processors.

²A B Makulilo 'Privacy and data protection in Africa: a state of the art' (2012)2 *International Data Privacy Law* 163.

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3) **Data protection, privacy and democracy**

The right to privacy is a necessary precondition for the realisation of other rights and consolidation of democracy. This section will tackle the question of privacy and data protection in the democratic discourse, covering aspects such as political participation and elections; freedom of expression; access to information; freedoms of association and assembly; social media and privacy, the right to privacy and technology.

4) **Data protection, privacy and socio-economic rights**

The focus is on social and economic rights and the thrust being that the right to privacy is crucial in the realisation of these rights: the right to education, the right to health, the right to food, the right to housing, the right to work. Thus, papers analyse data governance, data security, privacy programs, surveillance, data protection and data exploitation. Also, this category will also explore the intersection between the right to privacy and social protection, especially in the context of the introduction and integration of new technologies in social protection systems. Analysing aspects such as security and data protection safeguards in African social protection programmes and systems, the predicament of access to social protection/benefits vis-à-vis the trade-off with the right to privacy, personal information in sensitive contexts, data protection in NGOs and examine the competing interests of privacy and data-sharing.

5) **Privacy and vulnerable groups**

Privacy and data protection in the context of women, older persons, children and LGBTIQ.

6) **Privacy and national security**

Contributors are expected to analyse policies and legislation related to communications surveillance, interception and collection of personal data and the impact on the right to privacy.

7) **Privacy and cyber security**

The idea is to explore the nexus between privacy and cyber security. Papers will focus on common interests, tensions and the state privacy in cyber-security systems and analyse the implications of cyber security systems and technologies on privacy.

8) **Artificial Intelligence (AI) and data privacy**

This section will explore the right to privacy and data protection in the era of artificial intelligence including the tension between AI and data protection laws through an examination of the effectiveness of current data protection laws in light of technological realities, the development and use of AI-based privacy tools, such as privacy bots.

9) **COVID-19**

This section will explore privacy and data protection in the context of the COVID-19 pandemic in Africa.

For more information, please contact:

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